HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No. 3334 OF 2003

PETITIONER

Anjuman Islamiya Committee Nagri (Waqf Institution) Through President Anjuman Islamia Committee Nagri Shri Md. Hasham Memon, S/o Md. Jeekar, Aged about 33yrs. Occu-Shoe Shop, R/o Chuliyara Para Masjid Road, Tah. Nagri Distrt-Dhamtari (C.G.).

Vs.

RESPONDENT

Village Panchayat Nagri, Through Sarpanch, Village Panchayat, Nagri, Tah-Nagri, Distt. – Dhamtari (C.G.).

Present: Smt. Hamida Siddiqui, learned counsel for the petitioner.
Shri Abhay Tiwari, learned counsel for the respondents.

ORAL ORDER
(Passed on 21st February, 2006)

The petitioner is the plaintiff and it has filed a suit for declaration and permanent injunction. In the suit, it moved an application under Order 39 Rules 1 & 2 of the Code of Civil Procedure for temporary injunction. The trial Judge refused temporary injunction. When his order was assailed before the learned appellate Court, appeal was dismissed. Hence, this writ petition under Article 227 of the Constitution of India.

2. Smt. Hameeda Siddiqui, learned counsel appearing for the petitioner, would submit that the learned trial Judge as well as the learned appellate Judge instead of recording the findings on the three relevant points, i.e. prima facie case, balance of convenience and irreparable injury that may be caused to plaintiff and if the injunction is granted has decided

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the title question. Shri Abhay Tiwari, learned counsel appearing for the respondent would submit that the very basis on which the petitioner has instituted the suit is very shaky inasmuch as the plaintiff has not produced any patta granted by the Government to show that the suit schedule property has been granted to the petitioner. There is no need for this Court, at this stage, to undertake the adjudication of the merits of the matter. The suit was filed in the year 2003. In that view of the matter, I think that ends of justice would be met by directing the parties to maintain status quo till the disposal of the suit and in the meanwhile to direct the learned trial Judge to dispose of the suit within a time frame. Accordingly, the trial Judge is directed to dispose of the suit expeditiously, at any rate, within a period of one year from the date of receipt of a copy of this order and in the meanwhile, the parties are directed to maintain status quo with regard to the suit schedule property. No costs.

Sd/-
Chief Justice

Brajesh